

# Notice of Allowability

Application No.

10/042,241

Examiner

J. Allen Shriver

Applicant(s)

THOMAS ET AL.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/7/2004.
2. ☒ The allowed claim(s) is/are 3-35.
3. ☒ The drawings filed on 11 January 2002 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's submittal of an After-final amendment was received on April 7, 2004, wherein claim 17 was amended.

### *Allowable Subject Matter*

2. Claims 3-35 are allowed over the prior art.
3. The following is an examiner's statement of reasons for allowance: In the Examiner's opinion, In the Examiner's opinion regarding claim 12, a retaining element to retain a front end of a sole of a ski boot comprising a mounting base having a front zone and rear zone, the front zone being raised with respect to the rear zone by a distance of between 4 and 10 millimeters compared to front and rear zones of a retaining element constructed to receive boots according to standard DIN 7880 Parts I and II, a body positioned on the front zone of the mounting base and a jaw supported by the body, the jaw having a sole clamp for vertical retention of the boot sole, the rear zone of the mounting base extending rearward of the jaw, was not anticipated by the prior art, nor would it have been obvious to a person of ordinary skill in this art. During the interview with Applicant's representative, it was explained to the Examiner that the Annual Book of ASTM Standards shows that the dimension of the thickness of the front end of the boot sole is specified as 19 millimeters with a tolerance of 1 millimeter, which is inherently taught in KOWATSCH, which discloses a conventional front retaining element for a ski binding (The copy of the ASTM standards provided by the Applicant has been placed in the file). Therefore,

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it was stated that a conventional front ski binding (retaining element) that is constructed to receive a ski boot according to the set standards must be consistent with that specification in order to properly fit with conventional ski boot soles. Applicant's retaining element for a front end of the ski boot has a front zone that is raised by between 4 and 10 millimeters with respect to the rear zone of the mounting base, compared to the front and rear zones of a mounting base of a retaining element corresponding to the standards set forth in the ASTM Standards. The benefit of the invention is that it can be used with an alpine ski boot having a thicker sole that is more comfortable for walking when the skier has released his boots from his ski.

Regarding claim 17, Applicant has amended the claim to specify that "the upper surface of the support device and the sole clamp spaced apart vertically by a distance within a range of between greater than 20 millimeters to 28 millimeters." This range places the vertical distance between the upper surface of the support device and the sole clamp at a distance that is no longer configured to accommodate a conventional ski boot.

Independent claim 31, is original claim 6, which was indicated as containing allowable subject matter in the previous office action, rewritten in independent form.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Allen Shriver whose telephone number is (703) 308-1224. The examiner can normally be reached on Mon-Thurs 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian L. Johnson can be reached on (703) 308-0885. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J. Allen Shriver  
Examiner  
Art Unit 3618

JTS 4/27/04  
JAS

  
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4/29/04